



***Town of Tyngsborough
Planning Board***
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 115

Tyngsborough Planning Board Meeting minutes February 2, 2006

Attachments: 1-Meeting Agenda.

Approved

Members Present: Darryl Wickens, Chairman
Caryn DeCarteret, Vice Chairman
Mark Pease, Secretary
Steve Nocco, Treasurer
John Forti, NMCOG Liaison
John Boardman (consulting Engineer)
Joyce M. Harrington (clerk)

7:00PM – Meeting called to order by Chairman D.Wickens

Administrative 3 Bills The Board signed the following bills

1. David E. Ross and Associates, Inc
2. Lowell Sun

7:05PM – Public Hearing – Special Permit for 161 – 163 Westford Road – Frank Shen – Presented by Land Tech.

Chairman Wickens opened the Public Hearing and read the Legal Notice that appeared in the Lowell Sun on January 10 and January 17, 2006.

Motion: S.Nocco to waive the reading of the abutters list.

Second: M.Pease

Carries

Mark Slager of Land Tech presented plans for 161- 163 Westford Road. The Board reviewed the following open items with the applicant and received the following responses from the applicants Engineer.

1. The Landscaping plan should be prepared/stamped by a Registered Landscape Architect (Zoning 1.16.22) **Applicant: Will provide.**
2. The westerly entrance does not comply with Zoning 3.10.41 (1) and is within 150 feet of the entrance to Wynbrook. In addition site distances should be added to the plans. **Applicant: Entrance does not yet exist, will work with Wynbrook as Wynbrook is already approved, but not yet built.**
3. The proposed loading area at the back of the building will block the queuing area for the drive through and should be relocated. **Applicant: Will move loading area.**
4. Zoning 3.10.49 requires a minimum of three trees in interior islands in the parking lot and each parking space must be within 30 feet of a tree. The parking area should be revised to comply. **Applicant: Will revise plan.**
5. The applicant must comply with the Sign Bylaw (Zoning 3.11.00) and Lighting Bylaw (Zoning 3.15.00). **Applicant: Will comply.**
6. The applicant has designed the site with the perimeter buffer reduced to 25 feet. This reduction may be allowed by the Board under 3.13.20.
7. The applicant should provide a pedestrian connection to the adjacent senior center and Wynbrook to reduce traffic impacts. **Applicant: Will revise plan.**
8. The fire chief prior to construction should approve the final hydrant location. **Applicant: Agreed.**
9. The water and sewer locations should be reviewed and approved by the appropriate departments prior to construction. **Applicant: Will comply.**
10. The proposed project is a Major Business Complex and the applicant needs to address the impacts of the project as listed in 4.10.21.2 a through d . **Applicant: Will resubmit impact report from prior Plan, which had already been approved for the site.**
11. 4.10.30 describes the decision criteria for a Major Business Complex and requires the Board to make findings on traffic impacts. No information has been provided addressing possible traffic impacts. **Applicant: Will make modifications.**

The Board requests the following items to be added to the revised plans.

1. Entrance Way for Wynbrook.
2. Registered Landscape Engineer's stamp to landscape plan.
3. Modify to show sidewalk linking to Wynbrook.
4. Show fence on Plan.
5. Traffic impacts update.

Motion: M.Pease to continue the Public Portion of the Hearing to February 16,2006 @ 8:05PM

Second: S.Nocco

Carries unanimously

7:35PM Special Permit for 92 Middlesex Road Walter Eriksen - Presented by Land Engineer – Douglas Lees, PE

Mr. Lees presented a plan for an already approved Major Business Complex Special Permit which will include a Restaurant use less than 3,000 square feet at the proposed building on 92 Middlesex Road. The Board has previously approved a Special Permit for the use of this proposed building under professional office, retail and personal services. Mr. Lees had omitted the restaurant use, and would like this to be included.

This project proposes to construct an office building with a restaurant and associated parking on a 35,000 +/- square foot parcel. This project proposes to utilize the new municipal water and sanitary sewer currently being installed in Old Tyngsboro Road. The Board reviewed the parking regulation and determined that the site does comply with the parking requirement.

Motion: S.Nocco to close the Public Portion of the Hearing

Second: C.DeCarteret
Carries

Motion: M.Pease to approve the Special Permit for a Restaurant at 92 Middlesex Road. Plan is dated September 1, 2005 and revised November 22,2005 and the permit is:

- a. In harmony with the purpose and intent of the By law.
- b. Will not be detrimental or injurious to the neighborhood.
- c. Is appropriate for the site in question.
- d. Complies with all applicable requirements of this By law

Second: S.Nocco

Carries 5- Yes, 0-No

Administrative 1 Tri Party Agreement Bond – Sleepy Hollow Walter Eriksen

The Clerk, Joyce Harrington will mail a copy of the Tri Party agreement to Town Counsel for his review.

8:05PM Special Permit – 72 Progress Ave Eric Gardner – presented by Polaris Engineer.

The board received a letter requesting an extension of the Hearing to the first meeting in March.

Motion: M.Pease to continue the Public Portion of the Hearing for 72 Progress Ave to March 2, 2006 @ 8:35PM

Second: S.Nocco

Carries

Administrative 2 – Review Zoning Articles

Motion: M.Pease for the Planning Board to submit 2 Warrant Articles for proposed Zoning Changes to Town Meeting.

1. Section 4.10.10 Major Business Complex
2. 2 Section 4.10.21 Specific Requirements

Second: J.Forti

Carries: 5- Yes, 0-No

8:35PM Special Permit – 28 Farwell Road - Tynqs Crossing – presented by Land Tech.

Mark Slaughter addressed most of the comments and Zoning issues including the open space parcel. The excess drainage system has been modified and catch basin and water line will be submitted in the revised plans. Mr. Slaughter is not requesting any waivers at this time.

The project is still in front of Conservation to determine if Conservation would like to take possession of the open space parcel.

ANR plans to come in front of the Board; J.B. said it's better to have ANR finalized before approval of the Subdivision.

The Fire Chief Stated in his letter that due to the close proximity of the existing water line on Farwell Road, it is Chief Madden's opinion that connecting and extending this system would be a better option for fire protection, than installing a cistern. The street length, width, and the cul-de-sac turn around are acceptable as drawn.

Motion: to continue the Public Portion of the Hearing to February 16, 2006 @ 8:35PM

Second: C.DeCarteret

Carries

Administrative 5 Approval of Minutes:

Motion: S.Nocco to approved the January 5, 2006 Minutes as amended

Second: C.DeCarteret

Carries

Motion: M.Pease to approved the January 19, 2006 as amended

Second:

Carries

Motion: M.Pease to adjourn at 9:30PM

Second: J.Forti

Carries

Minutes taken and respectfully taken by

Joyce Harrington

Planning Board Clerk